

**CASE**

**NUMBER:**

99-305

AS OF : 09/23/99

INDEX FOR CASE: 99-305UAC  
 NPCR, INC. DBA NEXTEL PARTNERS  
 Construct  
 CELL SITE - 11920 LOUISVILLE ROAD - COX CREEK, NELSON

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATIONS INC  
 AND NPCR, INC., D/B/A NEXTEL PARTNERS FOR ISSUANCE OF A  
 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT  
 A WIRELESS COMMUNICATIONS FACILITY AT 11920 LOUISVILLE ROAD,  
 COX CREEK, KENTUCKY 40013  
 IN THE WIRELESS COMMUNICATIONS LICENSE AREA  
 IN THE COMMONWEALTH OF KENTUCKY  
 IN THE COUNTY OF NELSON  
 SITE NAME: HIGHGROVE

SEQ NBR	ENTRY DATE	REMARKS
0001	07/22/99	Application.
0002	07/28/99	Acknowledgement letter.
0003	08/04/99	No def. letter
0004	09/23/99	FINAL ORDER GRANTING CONSTRUCTION



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-305 UAC  
NPCR, INC. DBA NEXTEL PARTNERS

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on September 23, 1999.

See attached parties of record.

*Stephanie J. Bell*

Secretary of the Commission

SB/sa  
Enclosure

Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA. 98033

Rodney Strong  
Crown Communications, Inc.  
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11001 Bluegrass Parkway, Suite 330  
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Honorable David A. Pike  
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Pike Legal Group  
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Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice  
Counsel for Nextel Partners  
McBrayer, McGinnis,  
Leslie & Kirland  
163 W. Short Street  
Lexington, KY. 40507 1361

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND NPCR, INC. D/B/A NEXTEL PARTNERS FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
11920 LOUISVILLE ROAD, COX'S CREEK, ) CASE NO.  
KENTUCKY 40013 IN THE WIRELESS ) 99-305-UAC  
COMMUNICATIONS LICENSE AREA IN THE )  
COMMONWEALTH OF KENTUCKY IN THE )  
COUNTY OF NELSON )  
SITE NAME: HIGHGROVE )  
SITE NUMBER: 043KY )

O R D E R

On July 22, 1999, Crown Communication Inc. ("Crown") and NPCR, Inc. d/b/a Nextel Partners (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 11920 Louisville Road, Cox's Creek, Nelson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 58' 13.62" by West Longitude 85° 29' 7.35".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, the proposed facility's construction is exempt from local zoning ordinances. However, the Applicants have notified the Nelson County Joint City-County Planning Commission ("Planning Commission") of the proposed construction. To date, no comments have been filed by the Planning Commission. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary

to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 11920 Louisville Road, Cox's Creek, Nelson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 58' 13.62" by West Longitude 85° 29' 7.35".

2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 23rd day of September, 1999.

By the Commission

ATTEST:

  
Executive Director



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

August 4, 1999

To: All parties of record

RE: Case No. 99-305 UAC  
NPCR, INC. DBA NEXTEL PARTNERS

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

*Stephanie Bell*

Stephanie Bell  
Secretary of the Commission

SB/sa  
Enclosure

Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
Kirkland, WA. 98033

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Pike Legal Group  
200 S. Buckman Street  
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Honorable W. Brent Rice  
Counsel for Nextel Partners  
McBrayer, McGinnis,  
Leslie & Kirland  
163 W. Short Street  
Lexington, KY. 40507 1361

**FOR THE PUBLIC RECORD**

RECEIVED  
JUL 22 1999  
PUBLIC SERVICE COMMISSION

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**FILED**

JUL 22 1999

PUBLIC SERVICE  
COMMISSION

CASE NO.:99-305 UAC

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC. )  
AND NPCR, INC., d/b/a NEXTEL PARTNERS )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A WIRELESS COMMUNICATIONS FACILITY AT )  
11920 Louisville Road, Cox Creek, Kentucky 40013 )  
IN THE WIRELESS COMMUNICATIONS LICENSE AREA )  
IN THE COMMONWEALTH OF KENTUCKY )  
IN THE COUNTY OF NELSON )

SITE NAME: Highgrove  
SITE NUMBER: 043KY

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Crown Communication Inc. ("Crown"), as ultimate owner, and NPCR, INC., d/b/a Nextel Partners ("Provider"), as a licensed public utility in the Commonwealth of Kentucky make this application.

The property on which the WCF will be located is located at 11920 Louisville Road, Cox Creek, Kentucky 40013. The WCF site is geographically positioned at 37° 58' 13.62" North latitude, 85° 29' 07.35" West longitude.



COMMONWEALTH OF KENTUCKY  
**PUBLIC SERVICE COMMISSION**

730 SCHENKEL LANE  
POST OFFICE BOX 615  
FRANKFORT, KY. 40602  
(502) 564-3940

July 28, 1999

To: All parties of record

RE: Case No. 99-305 UAC  
NPCR, INC. DBA NEXTEL PARTNERS  
(Construct) CELL SITE - 11920 LOUISVILLE ROAD - COX CREEK

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received July 22, 1999 and has been assigned Case No. 99-305. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell  
Secretary of the Commission

SB/jc

Donald J. Manning  
Vice President and General Counsel  
NPCR, Inc.  
dba Nextel Partners  
4500 Carillon Point  
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